

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

NATHAN et al.

Atty. Ref.: 871-103

Serial No. Unknown

Group: 2152

Filed: July 12, 2001

Examiner: W. Vaughn

For: METHOD OF COMMUNICATIONS FOR AN INTELLIGENT DIGITAL  
AUDIOVISUAL PLAYBACK SYSTEM

\* \* \* \* \*

July 12, 2001

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**PRELIMINARY AMENDMENT**

In order to place the above-identified application in better condition for  
examination, please amend the application as follows:

**IN THE CLAIMS**

Please cancel claims 1-5 without prejudice or disclaimer and add the following  
new claims:

--6. (New) A method of operating a jukebox system, including:

providing a jukebox device including a microprocessor, a memory that stores  
audiovisual items that may be played on the jukebox device in response to requests by a  
user, a display for displaying video, an audio arrangement providing audio, a  
communication system for enabling the jukebox device to communicate with an

audiovisual distribution network, and a multitasking operating system that enables simultaneous operation the microprocessor, the display, the audio arrangement and the communication system, and further wherein said jukebox device includes operating software that controls operation of said jukebox;

providing a server remote to said jukebox device that can be accessed by said jukebox device through said distribution network;

registering said jukebox device for operation through communication between the jukebox device and the server;

sending data from said server to said jukebox device which is interpreted by said jukebox device as a request by said server to remotely update said operating software on said jukebox device;

and upon receipt by said jukebox device of said data from said server indicating a request to remotely update said operating software, modifying said jukebox device such that said jukebox device will operate in accordance with new operating software received from said server over said distribution network.--

--7. (New) The method of claim 6, further including, upon receipt of said data, verifying by said jukebox device if a version number of current software is outdated, and, if said version number is outdated, performing a back up of the current operating software, modifying a system startup file for startup with the back up of the current software, beginning execution of a new version of said software received from said server, verifying proper operation of said new version of said software, and, if said new

version properly operates, reinitializing the system startup file for startup with the new version.--

--8. (New) The method of claim 7, further including, if said verification of said new version indicates an error, reinitializing said current version of said software, and sending an error message to said server.--

### **REMARKS**

This Preliminary Amendment is being filed concurrently with the instant continuation application. By this amendment, original claims 1-5 have been canceled without prejudice of disclaimer and new claims 6-8 have been added. Thus, claims 6-8 are pending for examination.

Applicant notes that claims 12-14 of the parent case were allowed. Applicant further notes that new claims 6-8 herein have been drafted as method claims that substantially correspond to the allowed apparatus claims 12-14 in the parent case. Thus, Applicant believes that these claims are allowable for substantially the same reasons as the claims 12-14 in the parent case. Thus, prompt and favorable examination of the new claims herein are respectfully requested.

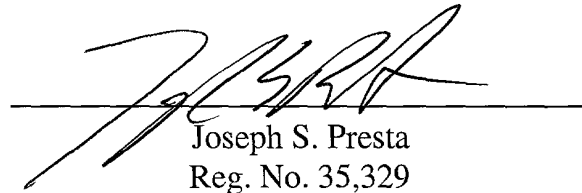
NATHAN et al.  
Serial No. Unknown

Should the Examiner have any questions regarding this application, or deem that any issues need to be resolved prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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